

Exhibit 3

ORIGINAL

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13 UNITED STATES DISTRICT COURT

14 NORTHERN DISTRICT OF CALIFORNIA

15 OAKLAND DIVISION

16
17 INTERTRUST TECHNOLOGIES
CORPORATION, a Delaware corporation,

18 Plaintiff,

19 v.

20 MICROSOFT CORPORATION, a
21 Washington corporation,

22 Defendant.

23 AND RELATED CROSS-ACTION.
24Case No. C 01-1640 SBA (MEJ)
Consolidated with C 02-0647 SBA (MEJ)25 **JOINT STIPULATION OF**
26 **DISMISSAL WITH PREJUDICE**
27
28**BEST AVAILABLE COPY**

1 WHEREAS the Parties have resolved their dispute;

2 IT IS HEREBY STIPULATED AND AGREED by and between Plaintiff

3 InterTrust Technologies Corporation and Defendant and Counterclaimant Microsoft Corporation
4 by and through their respective undersigned counsel, and pursuant to Federal Rules of Civil
5 Procedure 41(a)(1)(ii) and 41(c), that the above-captioned matter be dismissed in its entirety with
6 prejudice, with each side bearing its own costs and attorney's fees.
7
8
9

10 Dated: 5/5/04

ERIC L. WESENBERG
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Eric L. Wesenberg
Attorneys for Defendant and Counterclaimant
MICROSOFT CORPORATION

14
15 Dated: 4/12/04

MICHAEL H. PAGE
KEKER & VAN NEST LLP

Michael H. Page
Attorneys for Plaintiff and Counterdefendant
INTERTRUST TECHNOLOGIES CORP.

21 PURSUANT TO STIPULATION, IT IS SO ORDERED.

22 Dated: 5-6-04

Hon. Sandra Brown Armstrong
United States District Judge

24
25
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27
28
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DECLARATION OF SERVICE VIA ELECTRONIC MAIL AND U.S. MAIL

I am more than eighteen years old and not a party to this action. My place of employment and business address is 1000 Marsh Road, Menlo Park, California 94025.

On May 10, 2004, I served:

JOINT STIPULATION OF DISMISSAL WITH PREJUDICE

By transmitting a copy of the above-listed document(s) in PDF form via electronic mail Michael H. Page at mhp@kvn.com, Doug Derwin at doug.derwin@derwin.com, dderwin@intertrust.com; James E. Geringer at james.geringer@klarquist.com and Michael Lyons at mlyons@morganlewis.com and also by placing true and correct copies of the above documents in an envelope addressed to:

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Attorneys for Defendant and Counterclaimant,
MICROSOFT CORPORATION

and sealing the envelope, affixing adequate first-class postage and depositing it in the U.S. mail at Menlo Park, California.

Executed on May 10, 2004 at Menlo Park, California.

I declare under penalty of perjury that the foregoing is true and correct.

ANNA FREDDIE

DOCSSV1:189299.1

DECLARATION OF SERVICE VIA ELECTRONIC MAIL AND
U.S. MAIL - CASE NO. C 01-1640 SBA (MEJ)